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| EXAMINER |
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GARCIA, ERNESTO

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| ART UNIT | PAPER NUMBER |
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3679

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,275

Applicant(s)

SIEBERER, FRANZ

Examiner

Ernesto Garcia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/9/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because the ends of the broken line should be designated by Arabic or Roman numerals corresponding to the view number of the sectional view, see 37CFR 1.84(h)(3).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

The specification is missing headers for each section of the specification.

Appropriate correction is required.

Claim Objections

Claims 1, 3 and 8 are objected to because of the following informalities:

regarding claim 1, "its" in line 4 needs to be defined;

regarding claim 3, the second occurrence of "the" in line 2 should be --an--; and,

regarding claim 8, the third occurrence of "the" in line 2 should be --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-9 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Regarding claim 1, the metes and bounds of the claims are unclear. What exactly is the transport securing arrangement comprised of. Furthermore, there is an inconsistency between the language in the preamble and a certain portion in the body of the claim, thereby making the scope of the claim unclear. The preamble clearly indicated that the transport securing arrangement is "for a side extension arm of a vehicle having a locking device and an additional securing hook". However, the body of the claim positively recites both "the securing device and the securing hook", e.g., "characterized in that the locking device is arranged in relation to the securing hook" (lines 2-3), which indicates the claims as being drawn to a combination of the "side extension arm of the vehicle" and both "the locking device and the additional securing hook". Therefore, applicant must clarify what the claims are intended to be drawn to, i.e., either the "transport securing arrangement" alone or in combination with the "side extension of the vehicle", and present the claims with the language which is consistent with the invention. For purposes of examination, the examiner has considered the arrangement in combination with the locking device and the additional securing device.

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Regarding claim 2, it is unclear from where the securing hook is supported pivotably.

Regarding claim 4, it is unclear from where the locking device is supported rotatably.

Regarding claim 7, it is unclear whether the pin is positively claimed with the arrangement.

Regarding claims 3, 5, 6, 8 and 9, the claims depend from claim 1 and therefore are indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by European patent, EP-694,460.

Regarding claim 1 as best understood, the European patent discloses, in Figure 3a-3c, a transport securing arrangement, in combination with a side extension arm **2** of a vehicle, comprising a locking device **10** and an additional securing hook **4**. The locking device **10** is arranged in relation to the securing hook **4** in such a way that release of the locking device **10** leads to release of the securing hook from anchorage.

Regarding claim 2, the securing hook **4** is pivotably supported.

Regarding claim 3, there is provided a spring, which urges the securing, hook **4** into an anchorage position. Note, the spring is not shown; however page 2, column 1 in line 39 the German word "Federwirkung" translates to "spring action"; thus, there must be a spring.

Regarding claim 4, the locking device **10** is rotatably supported.

Regarding claim 5, the locking device **10** is able to be released by rotation.

Regarding claim 6, the locking device **10** is able to be released by rotation independently of direction of rotation.

Regarding claim 8, the locking device is urged in the direction of a locking position by a spring. Note, the spring is not shown; however page 2, column 1 in line 39

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the German word "Federwirkung" translates to "spring action"; thus, there must be a spring.

Regarding claim 9, the securing hook **4** partially bears against an eccentrically shaped portion **11** of the locking device **10**.

Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy, 4,943,181.

Regarding claim 1 as best understood, Murphy discloses, in Figures 2 and 3, a transport securing arrangement, in combination with a side extension arm **4** of a vehicle, comprising a locking device **15** and an additional securing hook **13**. The locking device **15** is arranged in relation to the securing hook **13** in such a way that release of the locking device **15** leads to release of the securing hook from anchorage.

Regarding claim 4, the locking device **15** is rotatably supported.

Regarding claim 7, the locking device **15** has at least one guide surface **28a,28b** extending inclinedly relative to a longitudinal centerline of the locking device **15**. Upon rotation of the locking device **15**, the guide surface **28a,28b** slides along a pin **27a**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 9:30-6:00. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

E.G.

March 21, 2005

Daniel P Stodola

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